

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Chief, Natural Resources Division
Deputy Attorney General
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-4124
Email: clive.strong@ag.idaho.gov
Fax: (208) 334-2690
ISB # 2207

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)	Subcase No. 92-00021-37
)	
Case No. 39576)	AFFIDAVIT OF TIMOTHY J. LUKE
)	IN SUPPORT OF MOTION FOR ORDER
)	OF INTERIM ADMINISTRATION
_____)	

STATE OF IDAHO)
) ss.
County of Ada)

Timothy J. Luke, being first duly sworn upon oath deposes and states as follows:

1. My name is Timothy J. Luke. I am the Section Manager for the Water Distribution Section for the Idaho Department of Water Resources (IDWR). My work address is Idaho Department of Water Resources, 322 East Front Street, Boise, Idaho 83720-0098.

I reside in Boise, Idaho.


2. My education background includes a Bachelor of Arts degree in Geography from West Virginia University in 1982 and a Master of Science degree in Geography and Natural Resource Management from the University of Idaho in 1992. My education/training

since college has included, but is not limited to, participation in seminars and courses related to water management such as Ground Water and Surface Water Relationships, Hydraulics, Field Hydrogeology, Irrigation System Design and several water law and water management workshops.

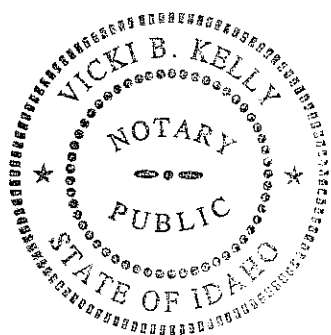
3. I worked from September 1988 to August 1991 for IDWR as a Senior Water Rights Agent. My duties included, but were not limited to the review, analysis, recommendation and processing of water right transfers, and the review and processing of applications to reallocate water held in trust under the Swan Falls agreement.
4. From September 1991 to February 1992, I worked for IDWR as a Hydrologist-in-Training, in the Water Permits Section. My duties included, but were not limited to water district assistance, field inventory and measurement of diversions, and water right analysis.
5. I worked from March 1992 to February 1997 for IDWR as a Hydrologist in the Water Permits and Water Distribution Sections. My duties included, but were not limited to, assisting in the implementation of the water measurement program, field inventory and measurement of diversions, water district assistance, water right analysis, reduction and analysis of hydrologic data and preparation of reports, and investigation of water distribution complaints and water right disputes.
6. From March 1997 to the present, I have served as the Section Manager for the Water Distribution Section. My primary responsibilities are the implementation and management of the water measurement program, provide assistance to water districts, periodic training of watermasters, and assistance or resolution of water distribution/water right disputes.

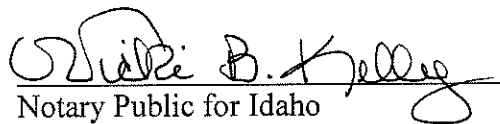
7. I have personal knowledge of the water supply conditions and water rights in Basin 37 Part 1 SW through my work with IDWR's Water Distribution Section.
8. The general reasons for the creation or enlargement of a water district are:
- Provide a mechanism for administration, regulation and enforcement of water rights;
 - Provide a means for regular measurement and reporting of diversions;
 - Provide a more local and immediate response to general calls for water delivery;
 - Provide for improved management of water rights and keeping water rights current with respect to ownership and water use;
 - Provide a system whereby local watermasters or deputy watermasters can provide for local and timely response to general calls for water distribution; and
 - Water district administration and regulation can be accomplished by assessing water users directly through the districts.
9. The specific reasons for creation or enlargement of water districts in Basin 37 Part 1 SW are:
- Ground water in Basin 37 Part 1 is included in Water District 130. However, certain surface water sources in Basin 37 Part 1, specifically spring and stream sources tributary to the Snake River near the Malad River, have not been included in any water district.
 - All of the water rights claimed in this portion of Basin 37 have been reported or partially decreed in the SRBA as required under I.C. § 42-1417.
 - Some areas of this portion of the basin are in either water measurement districts or existing water districts, or no district at all. Certain rights and sources within water districts have not been subject to administration or regulation by the water district, and measurement districts are limited to measurement and reporting only, not regulation or enforcement of rights.
 - The establishment of water districts will provide watermasters with the ability to administer water rights in accordance with the prior appropriation doctrine as established by Idaho law.
 - The establishment of water districts will provide watermasters the means to protect senior water rights.

FURTHER YOUR AFFIANT SAYETH NAUGHT.


TIMOTHY J. LUKE

SUBSCRIBED AND SWORN to before me this 2nd day of November, 2005.




Notary Public for Idaho
Residing at: Boise, Idaho
My commission expires: 12/10/10